

**MINUTES**  
**CITY OF RIVERSIDE**  
***CITY PLANNING COMMISSION***  
***GENERAL PLAN 2025 PROGRAM - PUBLIC HEARING***



6:00 p.m. May 12, 2005  
COUNCIL CHAMBER, CITY HALL  
3900 MAIN STREET

COMMISSIONERS PRESENT: Agnew, Brown, Comer, Densmore, Leonard, Maloney, Norton, Sebelia, Singletary, Stephens

COMMISSIONERS ABSENT: Kurani

STAFF PRESENT: Gutierrez, Planning Director  
Aaron, Principal Planner  
Jenkins, Senior Planner  
Milosevic, Associate Planner  
Brenes, Associate Planner  
Smith, Deputy City Attorney  
Andrade, Stenographer

**THE FOLLOWING BUSINESS WAS CONDUCTED:**

Chair Leonard called the meeting to order.

The Pledge of Allegiance was given to the Flag.

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A. **PUBLIC HEARING - 6:00 p.m.**

- 1 **PLANNING CASE P04-0178:** Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.

Chair Leonard explained the topics for the evening. He announced that the Riverside Greater Chambers of Commerce would give a presentation to the Commission.

Brian Percy, Chair of the Economic Development Committee for the Greater Riverside Chambers of Commerce, addressed the Commission. He presented the Chambers of Commerces' Economic Development Committee's Task Force recommendations on the General Plan.

He thanked the various Chamber task forces: General Plan, Sign Code and Zoning Code that participated in and evaluated the General Plan recommendations. His presentation was broken into sections: support of specific proposals, opposition to specific proposals, recommended changes and items for inclusion. He provided a written hand out of his presentation for the record.

Commissioner Densmore asked if the Chamber's subcommittee discussed any ideas for shared upgrades, ie in the Jurupa Industrial Park or the Brockton Center, where there have been proposals for City upgrades but no shared City/business responsibility or participation. Also, did the Chamber or its subcommittees consider alternatives to developer fees for the Arts? Did the Chamber or any of its subcommittees consider any alternatives to land donations for open space? Lastly, the safe routes point is an excellent one. He asked if the committees discussed the possibility or the acceptability of combining the safe routes with the trail system. Should a trail be developed, it would not be in competition with a safe route but would, in fact, serve all the purposes such as a multi-use trails and safe route.

Mr. Percy stated that these were all good questions. He stated he would return to the Chamber and provide the Commission with a written response.

Commissioner Norton noted that there were a couple of recommendations that alluded to the Downtown area. For clarification, the Chambers may want to clarify that none of the areas in the Downtown are in conflict with the Downtown Specific Plan which is already in place. She did not believe they were but it may be a good idea to go on record.

Mr. Percy indicated no and that if there is a change to that, they will let the Commission know.

Chair Leonard asked Mr. Percy to elaborate on a couple of issues, starting on 2<sup>nd</sup> page, item No. 2. He asked what they mean by activity areas for the Galleria and Riverside Plaza. He asked Mr. Percy to provide more justification as to why the high density designation should be applied to the parcels between Magnolia and Los Arboles on Jefferson, item 4. The Chamber is recommending a higher density for the Mixed-Use and he wanted to know how high the Chamber would consider. With regard to Item 7, there is a reference to construction priorities. He asked if this was a provision for students to continue to have access to their schools while construction is ongoing and making sure that there are safe routes to use while properties are under construction.

Mr. Percy responded affirmatively.

Commissioner Brown thanked Mr. Percy for their input. He noted that there are a lot of statements in their outline. There is a need for the Chambers' rationale as to why they have come to these conclusions. If they were to provide this information for the Commission, it would be easier to either agree or disagree with the Chambers.

Mr. Percy stated he understood and thanked the Commission for their time.

Chair Leonard announced for the benefit of the audience that there are more seats occupied by the Planning Commission this evening. He stated that effective this month there are two new Planning Commissioners appointed: Commissioners Sebelia and Maloney. These appointments bring the Commission into compliance with Measure GG so that there is representation from each of the wards in Riverside.

Laura Stetson, Cotton Bridges Associates, welcomed the new Commissioners. She stated that the topics for tonight are the three last pieces of the General Plan Program; Citywide Design Guidelines, Draft Implementation Plan as well as the final program EIR.

She began the presentation on the Citywide Design Guidelines. These Guidelines are much more extensive than what the City is using today. The Guidelines look to achieve a higher design quality throughout the City and establish illustrative examples of what the City is looking for. They establish very clear criteria for people who want to build in the City.

Commissioner Densmore said he was intrigued by the statement of “what Riverside is looking for”. The Commission has had interesting discussions with regard to architectural designs throughout the City. He asked how the General Plan would build into itself both subjective taste in various areas and changing taste over time. How can good, sound ideas be built in?

Ms. Stetson replied that there are components of design that do not change over time. Site design ensures that the pedestrian needs are addressed as well as safety issues and integrating open space. These issues are not colors or styles but how a building functions. Items that were not specifically included in the Guidelines is anything that talks about or dictates architectural styles for areas of Riverside. As indicated by Commissioner Densmore, that will change over time as well as tastes.

Commissioner Brown said that the Citizens Advisory Committee had lengthy discussions and discussed the diversity that the City wanted to adopt. The possibility of certain sections accommodating to part of that diversity reflecting in the architecture. He asked how the Guidelines would accommodate to an area such as China Town for example.

Ms. Stetson said that what he referred to was a particular architectural style to reflect the cultural, ethnicity, and foundation of a district. She stated that other City's do this through specific architectural standards and guidelines on a district specific basis. If in the future Riverside chooses that there are areas that would benefit from a particular architectural style, there is nothing to prevent the City from adopting specific guidelines for that district. These Design Guidelines do not do this, they are basic good design.

Commissioner Brown asked if this could be accommodated in the document and if there was any advantage to accommodate this so that the people in the area could do this.

Ms. Stetson said that it could be accommodated but cautioned that tastes and styles do change over the years. Certainly if the City wishes to take a certain direction for a particular district or area, there is nothing in the Guidelines that would prevent them from doing that. There are a number of ways it could be accomplished such as another chapter in the design guidelines, an overlay district, and specific plans.

Commissioner Brown stated that he would like to suggest that they discuss at length the possibility of adding such a paragraph in the Design Guidelines when the Commission enters deliberations.

Chair Leonard questioned whether design guidelines needed to be based solely on building architecture. They can be street plantings within parkways, fencing, lighting, many different ways and that how a community defines itself can be expressed in ways beyond architecture.

Ms. Stetson agreed that they are not just addressing building but the urban context which includes everything from the private realm to the public realm, including how the City chooses to develop parkways, etc.

Chair Leonard stated that he had made comments at a workshop 6-8 months ago. He asked whether staff was inviting comments on this tonight for the record or whether they would be addressed in the deliberations.

Ms. Stetson stated that if his comments include anything that needs to be brought back to the Commission as part of their deliberations, that he state them again.

Chair Leonard reviewed his comments.

- Page 3-2, siting criteria. He encouraged staff to address the appropriateness and inappropriateness of reverse frontage lots. The City has a tradition of encouraging lots to face streets. There is a problem with this particular at the interface with the County where they tend to prefer lots backing up to streets.
- Entry treatments. He would like to see some kind of performance there to relate the richness of entry treatments to the size of projects. Obviously, the larger the project, the greater the entry treatment he would expect to see.
- Walls and fences. There should be a minimum standard of what is expected. There shouldn't be exposed precision block walls. Maintain some level of quality because landscaping doesn't always last.
- Page 3-18, screening methods along alleyways and private roads. He wanted to add provisions for trellis work as a method of screening and landscaping in addition to the fencing described.
- Page 3-26, common open space for play, recreation and social activities. This should be related to the density of the project. There is performance criteria in the proposed Zoning Code that does this in terms of the number of units and square footage and types of amenities required. This helps decision makers down the line review this.
- Commercial projects. A concern of the Planning Commission when reviewing commercial plans is the layout of the parking areas. He would like to see an encouragement of splitting parking areas similar to the Canyon Crest Towne Center as opposed to the sea of parking.

Ms. Stetson gave a presentation on the Implementation Plan. In the process of putting the Implementation Plan together, they realized that it requires participation from a much larger group of City staff beyond the Planning Department. The General Plan affects all City departments and staff has requested comments from the other departments. Realizing that this will be a lengthy process and that the Implementation Plan is a living document. The Implementation Plan the Commission is being asked to approve as part of this program is a scaled down version that includes the basic Elements that State Law requires. Once the General Plan adoption process is completed, staff would like to take the Implementation Plan back through the Technical Advisory Committee to really nail down the list of implementation programs to be implemented over the long term to achieve the objectives, goals and policies of the General Plan. The Implementation Plan will be visited

annually to ensure that the items in the Plan are commitments the City is making to implement the General Plan.

Commissioner Brown stated that during the formation of this plan, many were upset with regard to the lack of coordination between the County and City. The streets on the County and City side do not meet and the Committee made a big point of this. Staff had indicated that it would be included either in the preamble or introduction and it would be more specific in the Implementation Plan. He wanted to know what the verbiage will read, as far as coordination. To say that you will coordinate with the County doesn't hold much water with him. There is a need for some kind of an assurance between the County and City on those developments along the common line.

Commissioner Densmore said that the Implementation Plan will be where the rubber meets the road. He asked when the General Plan is adopted, will the Zoning Code be part of that adoption or a separate issue?

Ms. Stetson stated that the plan at this time is for everything to be adopted as part of the entire program. The Resolution staff has prepared is to certify the EIR, adopt the General Plan, Zoning Code, Subdivision Code and the Design Guidelines. It is the Commission's prerogative to continue or not adopt something at the same time.

Commissioner Densmore asked if there were ways to prioritize the Implementation Plan.

Ms. Stetson replied that State Law requires the City to revisit its General Plan every year and see what it has done toward implementing its General Plan. If the Implementation Plan is reviewed annually, it will provide a check on whether or not the document is sitting on a shelf or if people are actually doing something with it. You can prioritize in the Implementation Plan by indicating timeframes that things should be done in. She noted that when the Implementation Plan returns for the Commission's review after going through the Technical Advisory Committee, it will have the thoughts of each department as to their high priorities.

Commissioner Agnew inquired if the Implementation Plan would incorporate the Walkable Communities Task Force Plan once it is adopted by the City Council. He also asked if other subsequent studies that occur would be incorporated?

Ms. Stetson said that it could, the City could have an Implementation Program that says implement the provisions of the Walkable Communities Task Force. The Implementation Plan is the how to list, it will be a very long list but that is really what the Implementation Plan is there for.

Chair Leonard pointed out that the Walkable Communities Task Force Plan was already included under Planning Tool 5. He asked what the makeup of the Technical Advisory Committee would be.

Diane Jenkins, Senior Planner, explained that it would be the same Technical Advisory Committee that was appointed by the City Council which was a member of each of the City Departments as well as outside agencies such as RTA, School District, WRCOG and the County Transportation and Planning Departments.

Chair Leonard said that the Commission has referred to the Implementation Plan many times in their hearings and have relied on it to plug in certain things as fixers. He felt it was a very important aspect of the Zoning Code and General Plan in terms of how certain things are addressed. He was very surprised when it only covered a few Elements. There is an omission of what the Commission feels are very important aspects of the plan such as circulation, trails and so forth. It seems incomplete to him, particularly if they are trying to

plug in information that they have heard from the public or evaluating on their own. He asked if this was a document that can grow as they go through deliberations?

Ms. Stetson replied affirmatively. She stated that everything before them can be amended including the Implementation Plan.

Craig Aaron, Principal Planner, asked Ms. Jenkins to update the Commission on the work staff has done on the Implementation Plan that the Commission hasn't yet seen.

Ms. Jenkins stated that they have prepared a very extensive Implementation Plan. All of the Departments and outside agencies did provide comments to staff, however, when it was compiled, and ready to be printed at 8 ½ x 14 landscaped double sided it was over an inch thick. It is a lot of material to cover and digest, that is why staff felt it was important to return the document to the Technical Advisory Committee to have them prioritize these items.

Mr. Aaron added that Ms. Jenkins did a tremendous amount of work on this, one of staff's major objectives is not to have a dust collector. This will be one of staff's major focus once the General Plan is adopted.

Chair Leonard asked if staff would include language in the Implementation Plan to address any "unintentioned consequences" that may arise as a result of the complete overhaul of the Zoning Code and General Plan. He suggested a process to take corrective actions that is City initiated.

Ms. Jenkins explained that there is such a recommendation and it will be fully outlined in the May 19 staff report.

Ms. Stetson continued with the presentation on the program Environmental Impact Report (EIR). The document looks out 20 years at potential impacts associated with building out the City or at least allowing Riverside to develop consistent with the policies in the General Plan as implemented by the Zoning Code, Subdivision Code and Design Guidelines. The impacts reported in the EIR are the cumulative impacts of long term growth consistent with the General Plan policies. The key thing the EIR is required to do is identify significant unavoidable impacts associated with implementing the project. Staff and the CAC have very carefully crafted a plan to the degree possible that avoids environmental impacts. She noted that there were many responses to the Draft EIR which were included in the February 17, 2005 staff report. Since the close of the comment period there was one additional letter sent in from the City of Moreno Valley. There has been a response letter prepared to it and it will be provided to the Commission as part of the staff report for the next meeting. She reviewed the significant unavoidable impacts identified by the EIR.

Commissioner Comer asked why the railroads did not make the list of unavoidable impacts.

Ms. Stetson explained that based on the thresholds of significance, the impact did not exceed the threshold of significance. If the Council or Planning Commission feels that an impact is significant and they disagree with some of the conclusions in the EIR, that needs to be brought forward as part of the public hearing process. There are mitigation measures that are included but essentially because of the way noise is measured, an average over a 24 hour period, it doesn't address the periodic point source noise impacts of the railroad. An interesting point that is brought up, is that CEQA requires a review of what the impact to the environment will be by the project, not the environment on the project. The extension of the rail lines is not something that is proposed as part of this project. The railroad noise impacts should be reviewed in a document that proposes increased rail traffic or the extension of a new rail line. She reiterated that the question the EIR addresses is whether any new residents will be placed into areas where they will be significantly impacted by noise.

Commissioner Norton stated that obviously in Riverside there is an impact to traffic, or lack of traffic being able to move because of railroads. She inquired where the appropriate place would be to categorize the fact that she felt traffic or circulation is impacted by the amount of train passage.

Ms. Stetson reiterated that this would be an impact that would be addressed as part of any proposal to change rail traffic in the City. This is essentially an existing condition, the EIR is looking at what the impact of adopting the General Plan will be. The question of does train traffic impact roadway traffic is appropriately addressed through any rail planning document.

Commissioner Sebelia inquired if the 25% reduction solutions in the draft EIR was part of the Ordinance or an alternative that would become case specific?

Ms. Stetson explained that the 25% reduction is a blanket 25% reduced growth citywide. It would essentially mean reducing densities or doing something to the Zoning Code and/or General Plan to not allow development at a level proposed by the General Plan at this point. It is not case specific, it is something the City would need to do as part of this General Plan program.

Commissioner Sebelia asked if this was an alternative that has been identified as having been explored.

Ms. Stetson said that it was explored because there were significant project impacts, air quality, and traffic. The best and only way to address those types of impacts is to have less development citywide and this was explored as an option but it didn't it ran counter to City objectives to try and concentrate development at transit centers and other appropriate locations throughout the community.

Commissioner Sebelia said that his concern, reading this for the first time, was that someone could come along later and look at the L Corridor and request a 25% reduction and require that to be a new EIR to explore that.

Ms. Stetson explained that all of the development that would ultimately be built in Riverside is covered by the analysis in that EIR. If a particular site or area in the City chooses to have reduced development below what the General Plan anticipated would still be within the confines of what was analyzed. She noted that the City Council has the ultimate authority to decide what is best for Riverside and to adopt something for Riverside. Someone can come in at any time and make a recommendation or suggestion but the City Council is the one that has the decision making authority.

Commissioner Brown added to Commissioner Comer's comments with regard to grade separations and railroads. He noted that there is more than just noise involved , there are impediments to public service, grade separations for accidents, impediments to circulation in addition to noise and a lot other things. Since it should not be in the EIR, he asked for public record, where Ms. Stetson would recommend putting this. He felt Commissioner Comer was right and it is imperative that it be included, but where?

Ms. Stetson informed that it was in the General Plan, there are objectives and policies in the Circulation Element and Noise Element that say the City will pursue grade separations. The City will work with the Railroads to reduce the noise of the trains. There are policies and goals that are very specific and will be followed up with implementation measures that indicate what the City will do with the existing problems that are here today and will continue in the future unless the City moves forward with it. It is not an environmental impact, it is a recognition of an existing concern and problem in the City and the GP has goals and policies to address that.



Commissioner Brown noted that this was practically becoming the number one concern in the City. What he is hearing is that it belongs in the General Plan but it will be a requirement for the Commission, if they agree to embellish the language existing in the draft.

Commissioner Comer asked if it would help the City to put it in as many places as possible within the General Plan at a State and Federal level.

Ms. Stetson replied that it helps to have as strong language as possible, it helps to put it in the General Plan and Implementation Plan. She reiterated that railroads are an existing environmental condition that is recognized.

Commissioner Comer pointed out that this was an existing problem that is bad today and will double in the next 25 years. He stated that his point is that he wanted to do as much as he could to affect both City government and obtain State and Federal assistance with this issue.

Ms. Stetson agreed but noted that it was something an outside agency is doing to Riverside, not something Riverside is doing to itself. She noted that this was not the function of the EIR, the EIR is a disclosure document, not public policy.

Chair Leonard commented that this was a very good EIR. He also wanted to comment on the noise issue. Since they cannot get to trains directly through the EIR, than possibly indirectly. The General Plan calls for increased areas to be job producing that are presently residential in order to balance jobs and housing to make the City function internally without having to impose commutes. He noted that this was a very logical and needed aspect. The most significant impediment to achieving this is the congestion brought on to commerce from trains which are more frequent and louder. He suggested to first of all acknowledge that the way the criteria is analyzed in the report is just as has been said, an ambient level measured over a 24 hour basis. It must also be recognized that at different intervals of the day the noise is much louder than what the EIR is stating, this is a disclosure. He would look at the EIR as a basis to form policy in regulatory documents to give the City some fire power to do more talking with the railroads. It is a matter of finding every mechanism possible to demonstrate the clear and present danger railroads create on a number of basis; health, congestion, traffic, safety, pollution etc. He stated this would include noise emanating from arterial streets as well, not just railroads. He would hope they be returning to the policies to address measures in street design in terms of parkway landscaping and other methods to either reduce traffic speed or increase setbacks to deal with noise. On another issue which was derived from a tract map reviewed by the Commission's last session. He asked if the City had a provision for a fuel modification zone where vegetation is reduced where residential abuts open space. The City has a sprinkler ordinance and rather than wait for the fire to be on the house, this may be useful in some areas where the strategy should be in place to keep the fire from getting to the house. He asked if a policy for fuel modification to reduce the amount of vegetation or to have special plantings in selected areas where there is a potential hazards to residential or future residential that may occur.

Mr. Aaron said that this could be added as a policy to be consider and then included in the Implementation Plan. Staff would like to consult with the Fire Department on this.

Ms. Jenkins announced a couple of clean up items. Commissioner Norton at the last meeting, requested that Ms. Sparkman provide the Commission with a copy of her packet of information. Ms. Sparkman did provide that packet and it was included with the Commission's letters. Also Commissioner Densmore requested a sample of the notices that were mailed out which were distributed prior to the meeting this evening. Also the Commissioners have requested a draft minutes of the General Plan workshop and public hearing which were distributed this evening.

Mr. Aaron for the benefit of the audience he asked that the schedule be clarified. He asked if it was the Commission's intention to proceed with the deliberation and voting on the General Plan at the May 19<sup>th</sup> meeting.

Chair Leonard announced that the next meeting date would be May 19, the predominance of the meeting will be public testimony. He would expect that the public testimony would not necessarily be limited to a topic, it could be any of the components that have been heard. He stated that if the Commission had the necessary information available on the 19<sup>th</sup>, the option to deliberate would still be open. It is their expectation that during or after the May 19<sup>th</sup> hearing, the Commission will be able to conclude the public hearing aspect and go into deliberations.

Kristi Smith, Deputy City Attorney, clarified that at every public meeting the Commission has, they will be required to take public testimony, even during the deliberations. The Commission may want to open and set aside a certain amount of time each meeting to allow for any more public comments and do their deliberations. Until such time as the Commission is ready to take action, they will close the public hearing and vote.

Chair Leonard asked what Ms. Smith's recommendation was as to how to construct the public testimony aspect.

Ms. Smith noted that the report the Commission will receive will be broken down by each Element. The proposal would be that they would act on each one separately. The Commission would do their deliberations, take testimony on that, close the public hearing, then do deliberations and vote and move onto the next item.

*The Commission took a five minute break.*

Chair Leonard opened the meeting for public testimony.

Jane Block, 424 Two Trees Rd, stated she was representing the Riverside Land Conservancy. She commended City staff, public officials and the advisory committee's for their effort to set forth the comprehensive draft General Plan. They reviewed the Plan with particular attention to the issue of trails, hills and arroyos. They respectfully requested that the Springbrook Wash trail alignment be slightly revised in the General Plan to reflect the alignments presented in the RLC's letter to the City Planning Director dated February 26, 2005. Discussions the RLC has had with the City and County Park and Planning staff indicate support of the proposed trail alignment. She urged the City to place a high priority on having staff transfer the trails shown on the General Plan onto the GIS layer map so that staff and the public reviewing development proposals can readily translate the ideal set forth in the General Plan to specific actions at the time of development. She would like to personally thank the City for its support to the Arroyo Committee. They believe it is useful and appropriate to define the term linkages in the General Plan glossary and suggested that linkage mean open space connection for purposes of habitat connectivity, trail connection or a combination of the two. To further their common long term goals for establishing and protecting trails within the City as well as biological and habitat linkages, they have attached some specific recommendations, attachment A, which they respectfully requested they consider in the Subdivision Ordinance or Design Guidelines. She offered to work further with staff and the Commission and noted that their suggestions were itemized on Attachment A.

Commissioner Densmore asked with regard to the hillsides whether it should be assumed the Commission understands which ones the Land Conservancy is talking about or will the Land Conservancy want to specify them. He reviewed the attachments but aside from Mt. Rubidoux, what else is being considered.

Ms. Block added that the Land Conservancy members have looked at the hilltops and feel that the hilltops in Downtown Riverside distinguish the City and would hope that this amenity item would be considered in the General Plan.

Chair Leonard inquired whether they have identified a variance between what staff is recommending and what the RLC is trying to achieve?

Ms. Block said that Bob Nelson, who could not be here this evening, felt that some of the wording was important to change in various places to include the word trails. She felt that the definition of linkages is an important issue. The boundary fences is another item they find should be defined in the General Plan. A developer may, not out of malice, but simply out of neglect not include these things and obstruct a trail which will create great problems. Most of these are specific suggestions that the RLC feels will add to the efficiency of the trails everyone has been supportive of.

Chair Leonard thanked Ms. Block. He asked staff to review the comments and report to the Commission.

Kimberly Sparkman, Sparkman's Garage, 5958 Jasmine St., said that the Commission should have a copy of the packet she provided. She stated that a lot of the information deals with Code, she asked that if the Commission had any questions, she would be available. She pointed out that there are a couple of businesses that were being left out, Driscoll's Automotive across the street from Jurupa and also MACO. She asked why the auto repair shops and dog kennels are being slapped with the CUP requirement when they never had them before. Commissioner Densmore brought up protecting the property owners earlier tonight, she wanted to know how they can be protected on things that they have now such as barbed wire or fencing without getting Code Compliance after them.

Chair Leonard thanked Ms. Sparkman for providing the information. This will help the Commission focus clearly on their concerns as they go through the Code.

Maria Cornejo, 6378 Riverside Avenue, stated that they received a notice indicating that their home is one of the three parcels proposed for office. She was very surprised and upset. She spoke regarding her family and their choice to move to this neighborhood. She did not understand the criteria used for the proposed rezoning. She sees many vacant office spaces in the City. Their neighborhood is established and already provides property tax income without the City providing any type of assistance. She asked the Commission to reconsider this proposal and leave the area alone.

Commissioner Densmore asked staff to comment on this issue. There have been discussions about the difference between the General Plan designation and a zoning change. He asked staff to explain the letters that just went out because they are somewhat new to the Commission as well. This is something that was just added to their packet. He also asked staff to respond to Ms. Sparkman's question regarding the reasoning for the need of a CUP.

Ms. Jenkins replied with regard to the CUP for auto repair and dog kennels, this would be because many times Industrial Zones back up to either residential or commercial properties. Automotive repair can have other types of performance standard requirements: aesthetic issues that need to address their compatibility with surrounding neighborhoods. The Minor CUP process is a way to look at these on a case by case basis to make sure they are appropriate for the area. The same thing with dog kennels. Dogs do need to be let out so that they can go outside, have an area to run in and also can be loud at times. Again, it provides the opportunity to make sure it is the appropriate location and that performance standards are in place to make sure that they are not

a nuisance or cause an incompatibility problem with their neighbors. That is why the CUP or MCUP is proposed for those uses.

Commissioner Densmore asked again if there is a zone change, a business does not have to apply for a MCUP or CUP.

Ms. Jenkins stated that a legally established business after a Zone change, even if sold, would not have to apply for a CUP or MCUP provided it did not stop operating for more than 180 days. A new business moving into an empty lease space which hasn't had that business before would.

Mr. Aaron added that in current Commercial Zones, a Conditional Use Permit is now required. This is not an entirely new thing for these type of uses, at least in the Commercial Zones. What staff is doing is adding this same requirement in one form or another to the Manufacturing Zone because those same type of concerns are often found in the Industrial Zones.

Ginny Derosa, 3453 Carlsbad Wy, stated she was one of the homeowners in the 73 parcels. She agreed with Ms. Cornejo's comments regarding the neighborhood. She did not see why more offices were needed, there are many office lease signs in Riverside already. She stated that there is no purpose to change the General Plan designation without the plan for rezoning the land to Office.

Ron Diaz, 3473 Carlsbad Way, understood the Commission was not aware of the notice that went out and consequently may not be aware of the ramifications of the notice. He and his neighbors are very concerned. If this proposal is allowed to proceed, it will cause an economic hardship. He purchased his home to stay long term. He is extremely concerned because from what he understands this was brought to staff's attention in December, 2004 by the City Council. They were instructed to study the feasibility of this change. What disturbs him more is that this was supposed to have been piggy backed onto the Magnolia Redevelopment Agency Project. His concerns come up again because although nothing happens now, down the road Redevelopment Agency can get involved.

Chair Leonard thanked Mr. Diaz for his comments.

Yolanda Garland, resident of La Sierra, expressed her appreciation for the Commission's dedication as volunteers. She pointed out that every proposed change has been opposed by the many who have spoken at the General Plan meetings. She had nothing to add to make a difference because ultimately the Council will be the decision maker. She just learned of another area which has been targeted for terrorism by the myopic visionaries for the benefit of a private developer. She encouraged the audience to log on to [talkriverside.com](http://talkriverside.com). She announced that a fund raiser/yard sale to be held Friday and Saturday at 10944 Cypress Avenue. The funds are for attorney fees over one of the law suits they have already filed against the City.

Steven Hilmer, 1320 Caldwell Ct., stated he had commercial property at 3714 Sunnyside Drive, Hilmer's Luggage Shop. He had three questions on nonconforming rights. As many people have spoken to the Commission about their concerns about the future uses and rights of their property, staff has frequently said that they would be a nonconforming right. As he reviewed the draft Zoning Code, 19.080.010 the first sentence of this paragraph says that the article provides for the orderly termination of nonconforming rights. Later section C, says it shall be the property owner's responsibility to provide evidence or information to justify the establishment of nonconforming rights. By what mechanism does the property owner do this and will those property owners be notified that they do need to do this? As you notice from the number of people in the audience we don't have everyone here who may be concerned about that. His third question Section E, "any nonconforming situation that becomes specifically authorized under the terms of an approval pursuant

to the Zoning Code shall henceforth be governed by the terms of such approval and shall no longer be considered a nonconformity.. unless and until such approval expires or is revoked”. Is there an expiration to nonconforming rights and how can those rights be revoked?

Ms. Jenkins explained the way property owners establish nonconforming rights. She stated that a property owner provides staff with information that establishes whether or not the business was legally there only if the City cannot determine whether a business is legal. Staff does the best they can to assist by researching the City's records. With regard to an expiration date, staff writes a report with conditions of approval and there could be an expiration date as one of the conditions of approval. She reiterated that nonconforming rights do not need to be established. If a business is expanded or if there was a question as to whether or not it was a legal nonconforming business then the case process is needed to determine this.

Mr. Hilmer pointed out that the Code says that it shall be the property owner's responsibility.

Ms. Jenkins agreed but this only applies if there is a doubt as to whether or not it is a business is legal. The property owner would provide staff with information as to whether or not it is a legal nonconforming business. She reiterated that if there is a legal nonconforming business, nothing needs to be established. It is only for those business where staff cannot tell, for whatever reason, whether it is a nonconforming business. She said there is a process for a property owner to go through to establish that.

Chair Leonard stated that the curious thing about this process is that all of the information to prove nonconforming status is in City Hall yet the property owner is requested to prove it.

Ms. Jenkins replied that not all the information is available through the City. Many times, especially in an annexation areas, the City may not have building permit records to establish that there was a business there when it came into the City. The property owner can do it through business tax licenses or even their own records.

Mr. Aaron also added that there are many ways to establish this, not just the City's records. There are people that write letters for their neighbors and all of this is taken into account..

Tim D'agostin, 3478 Laura Ln, said he has put a lot of money into his property. He stated that the Riverside Plaza that has been remodeled is nice but with one big problem, traffic. The City needs to review the traffic that has been created because it is a very bad problem. He distributed pictures of the homes in the neighborhood. He stated that his concern is that he would like to retire in 2-3 years and may decide to sell his home at that time. His home is his single biggest investment. He is concerned about anything that may affect his nest egg. He reiterated that his concern is whether the value of his property could be affected by the zoning or intended zoning.

Chair Leonard thanked Mr. D'agostin for his comments.

Marie Chatterton, 3450 Bonita Avenue, asked the Commission to please direct staff so that the neighborhood be more adequately informed. She noted that according to the letter, the Commission wasn't to begin public comments until next Thursday on this issue. She had to call for more information because the letter, for her, was not clearly written. She did not feel they were properly informed.

Mr. Aaron stated that there is no current plan for development of this site.

Chair Leonard clarified that the Commission is taking public testimony at all hearings and will continue to do so. What is expected to begin next week are the deliberations. The difference is that the deliberations is where the Commission takes in all the information and begins voicing the Commission's opinion.

Commissioner Densmore asked staff if they would like to add anything further in that even if this goes through, certainly the neighborhood would be advised. One of Ms. Chatterton's concerns was about a McDonalds going in across the street from her that she would not know about. Staff could clarify that if something like this happened, the surrounding property owners would be informed.

Mr. Aaron explained that if there was any proposal for rezoning, certainly the neighborhood would be notified. His suggestion would be that if this area is changed to office that there be policies included in the General Plan that require large parcels to be consolidated for meaningful large office development not piece meal individual lot development of small offices.

Julie Paul, 3474 Laura Ln., stated she had submitted a letter with her comments. She said there were a couple of points they wanted to add. She said they live on social security and also have a duplex around the corner. If they have to move out and they also lose their duplex, where are they going and what are they going to live on. She felt that their livelihood was being threatened.

Chair Leonard announced for the record that the Commission had one more letter from a resident in the area, Ruth Mellie on Carlsbad Way.

Richard Paul 3468 Laura Ln., said he wanted to confirm that the Commission received their letter delivered today as well as a letter from Frank & Arlene Sanchez.

Chair Leonard replied that they did receive Mr. Paul's letter.

Ms. Jenkins indicated that a letter was received late this afternoon and they were unable to get it copied for the Commission's packet. The letter will be included with their materials for the next meeting.

Mr. Paul asked for clarification on the letter they received dated May 2, 2005. He was trying to follow the comments on what is really being proposed. He understands that it is the General Plan Land Use designation that is being changed, not the zoning. He asked if a property owner were to sell their property, would they still need to go to the City and obtain a letter so that it can continue to be used as residential.

Ms. Jenkins explained that the letters are usually generated if the Zone has been changed. Staff is not proposing to change the Zone and it will remain residential and therefore is a legal use. A letter generally would not be necessary in this instance.

Mr. Paul stated that this is an area where properties do not come up for sale that often, the residents are all long term residents. He asked why Mr. Diaz' question regarding this area being piggy backed to the Magnolia Redevelopment Project Area went unanswered. He understands that a blight study has already been completed and results are due in 3-4 weeks. He noted that the letter they received indicates no specific development proposal is contemplated yet the City is currently working on Riverside between Nelson and Central. He has been informed that this is an extension of the Magnolia substation and Riverside Plaza substation for the electrical backbone system that would accommodate the office use in this area.

Ms. Jenkins replied that the Redevelopment Agency is conducting a study at this time to determine blight conditions. Planning staff does not know the outcome of that study at this time and it will be several months before the study will be available to the public.

Chair Leonard asked staff to provide Mr. Paul a contact name and phone number for someone in Redevelopment. He pointed out that the Commission is not a party to their projects unless there is an environmental review.

Commissioner Densmore stated he was embarrassed for the City in this particular case. He invited the citizens to return for the Commission's deliberations. This is the beginning of a long process. The public has been asking what the driving force behind this. Everyone knows that, if in fact, there is a General Plan change that something is a foot. There are some very legitimate questions here. He stated that one of the things he will be preaching when deliberations begin is first do no harm. He is appalled that the citizens are worried about their retirement, income and homes when there is probably no need. If there is a need to be worried, it isn't the Commission. He believes they deserve better answers than the legalese in the letters they have received. He did not blame the Planning Department, they have to send out certain things. He stated that the citizens are being heard, whether or not it will do any good remains to be seen although he thinks it will. He thanked everyone for coming down, the Commission got the message.

Chair Leonard asked why the notice had been sent out May 2.

Ms. Jenkins informed the Commission that this was one of the sites that came late in the process. Staff did note in the February 17, 2005 staff report that the notices had not been sent out for this site but that they would be sent out prior to deliberation. Staff tried to make this notice friendlier than the first notice that went out by trying to answer many questions.

Commissioner Densmore asked for clarification regarding the fact that this came in later.

Ms. Jenkins explained that the Redevelopment Agency asked Redevelopment staff to look at this in late December. Planning staff was not made aware of this until later in the process.

Mr. Aaron added that the process of how it came to Planning staff's attention is described in the staff report of February 17, 2005.

B. **ADJOURNMENT**

The meeting was adjourned at 8:50 pm to the regular scheduled meeting of May 19, 2005.